

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID AVILA, et al.,

Plaintiffs,

v.

NEWREZ, LLC D/B/A SHELLPOINT
MORTGAGE SERVICING, et al.,

Defendants.

Case No. 2:24-cv-2264-TLN-CSK

ORDER

Plaintiffs David Avila and John Hayne (collectively, “Plaintiffs”) filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 10, 2025, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. (ECF No. 47.) No objections were filed and the time to do so has passed.

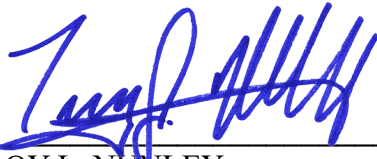
The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”).

1 Having reviewed the file, the Court finds the findings and recommendations to be supported by
2 the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (ECF No. 47) are ADOPTED IN FULL;
- 5 2. Defendant Peak Foreclosure Services Inc's amended motion to set aside default (ECF No.
6 43) is GRANTED; and
- 7 3. The Clerk of the Court is directed to set aside Defendant Peak Foreclosure Services Inc.'s
8 entry of default.

9 DATED: April 4, 2025

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13 TROY L. NUNLEY
14 CHIEF UNITED STATES DISTRICT JUDGE
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